

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

RODNEY T WHITE,

Plaintiff,

V.

CARLA BEARD, SGT, TELFORD UNIT;
CHRISTOPHER BEARD, CAPTAIN,
TELFORD UNIT; AND WARDEN POLK,
WARDEN, TELFORD UNIT;

Defendants.

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CIVIL ACTION NO. 5:20-CV-00164-RWS

ORDER

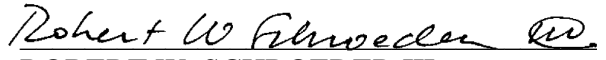
Plaintiff Rodney White, proceeding *pro se*, filed the above-captioned matter complaining of alleged violations of his constitutional rights. Docket No. 1. The case was referred to the United States Magistrate Judge in accordance with 28 U.S.C. § 636.

Plaintiff was ordered to pay an initial partial filing fee of \$9.00 in accordance with 28 U.S.C. § 1915(b). Docket No. 6, When he did not comply, the Magistrate Judge issued a Report recommending dismissal of the lawsuit without prejudice for failure to prosecute or to obey an order of the Court. Docket No. 10. Plaintiff received a copy of this Report on May 26, 2021. Docket No. 11. No objections have been received. Accordingly, Plaintiff is barred from *de novo* review by the District Judge of those findings, conclusions and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *Duarte v. City of Lewisville, Texas*, 858 F.3d 348, 352 (5th Cir. 2017).

Nonetheless, the Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge and determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989) (holding that where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Accordingly, the Report and Recommendation of the Magistrate Judge (Docket No. 10) is **ADOPTED** as the opinion of the District Court. It is

ORDERED that the above-captioned matter is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute or to obey an order of the Court.

SIGNED this 20th day of October, 2021.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE